

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE  
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

|                             |   |                  |
|-----------------------------|---|------------------|
| SAMMIE A. SMITH,            | ) |                  |
|                             | ) |                  |
| Plaintiff,                  | ) |                  |
|                             | ) |                  |
| 5.                          | ) | CIVIL ACTION NO. |
|                             | ) | 2:09cv508-MHT    |
| THOMAS HEAD, CIRCUIT JUDGE, | ) | (WO)             |
| PIKE COUNTY, ALABAMA; and   | ) |                  |
| TERRI WILLINGHAM THOMAS,    | ) |                  |
| JUDGE, STATE OF ALABAMA     | ) |                  |
| COURT OF CIVIL APPEALS      | ) |                  |
|                             | ) |                  |
| Defendants.                 | ) |                  |

JUDGMENT

In accordance with the memorandum opinion entered  
this date, it is the ORDER, JUDGMENT, and DECREE of the  
court:

(1) That plaintiff Sammie A. Smith's motion to  
proceed in forma pauperis (Doc. No. 2) is granted to the  
extent that the complaint shall be filed without the  
prepayment of fees; and

(2) That plaintiff Smith's complaint is dismissed without prejudice, pursuant to 28 U.S.C. § 1915(e)(2)(B)(i)-(iii).

It is further ORDERED that costs are taxed against plaintiff Smith, for which execution may issue.

The clerk of the court is DIRECTED to enter this document on the civil docket as a final judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.

DONE, this the 4th day of June, 2009.

/s/ Myron H. Thompson  
UNITED STATES DISTRICT JUDGE